



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/604,538

07/29/2003

Haig H. Krakirian

UV-439 CIP

1537

1473 7590 08/19/2008

ROPES & GRAY LLP
PATENT DOCKETING 39/361
1211 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-8704

EXAMINER

DUFFIELD, JEREMY S

ART UNIT

PAPER NUMBER

2623

MAIL DATE

DELIVERY MODE

08/19/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/604,538	Applicant(s) KRAKIRIAN ET AL.	
	Examiner JEREMY DUFFIELD	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 29 and 41 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 29-33, 37, 38, 41-45, 49, and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis (US 2002/0174430) in view of Asamoto (US 7,017,179) and further in view of Kaminski (US 2002/0199185).

Regarding claim 29, Ellis teaches a method of resolving conflicts for series recordings (Para. 198), the method comprising:

receiving a user indication to schedule shows of a plurality of series for recording (Para. 197-199, 201, 203);

assigning each series a different recording priority (Para. 198, 220);

determining that a scheduled recording of a first show in a first series conflicts with a second show that is scheduled for recording (Para. 198, 200, 206, 213);

cancelling the scheduled recording of the first show based on a first recording priority assigned to the first series, i.e. first show had a lower recording priority than a conflicting second show (Para. 206);

displaying a first interface screen comprising a plurality of listings of programs that are scheduled for recording, i.e. program listing screen, series listings screen (Para. 205-206, 208, 225, 334);

displaying, in the first interface screen, a first indication that the scheduled recording of the first show has been canceled (Para. 206);

receiving a user selection to switch from the first interface screen to a second interface screen, wherein the second interface screen indicates the recording priorities assigned to the series, i.e. selecting the record option from a program information screen and switching the recording setup screen which includes a list of recording priorities available for a scheduling a program (Para. 196-198, 213-214); and

receiving a user request, through the second interface screen, to increase the first recording priority assigned to the first series such that the scheduled recording of the first show is no longer canceled, i.e. modifying an existing scheduled program (Para. 213-214).

Ellis does not clearly teach using a single keystroke to switch from a screen to the recording setup screen; and having the second interface screen include the plurality of scheduled series programs with the recording priorities.

Asamoto teaches an interface screen that includes a plurality of programs with the priorities and allows a user to modify the priorities (Fig. 7; Col. 10, lines 1-43).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ellis' recording setup screen to include the plurality of scheduled series programs with the recording priorities, as taught by Asamoto, for the purpose of allowing the user to have a better viewing experience by recording the most important shows that the user would like to see in the memory provided.

Ellis in view of Asamoto does not clearly teach using a single keystroke to switch from a screen to the recording setup screen.

Kaminski teaches using a single keystroke to switch from a screen to a recording schedule or recording options screen, i.e. using the "B" or "C" button on the remote control (Fig. 8; Para. 76-78).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ellis in view of Asamoto to include using a single keystroke to switch from a screen to the recording setup screen, as taught by Kaminski, for the purpose of having quicker access to the most often used screens in a PVR/DVR interface.

Regarding claim 30, Ellis in view of Asamoto in view of Kaminski teaches the second show is in a second series (Ellis-Para. 198, 200, 206, 213), and

Art Unit: 2623

wherein canceling the scheduled recording of the first show comprises:
determining that the first recording priority assigned to the first series is lower than a second recording priority assigned to the second show (Ellis-Para. 198, 206); and

canceling the scheduled recording of the first show in response to the determining (Ellis-Para. 198, 206).

Regarding claim 31, Ellis in view of Asamoto in view of Kaminski teaches canceling the scheduled recording for the second show in response to the increase of the first recording priority assigned to the first series, i.e. modifying the recording priority and cancelling the lowest priority show during a time conflict (Ellis-Para. 198, 206, 213).

Regarding claim 32, Ellis in view of Asamoto in view of Kaminski teaches receiving, through another single keystroke by the user, a user selection to switch from the second interface screen back to the first interface screen, i.e. pressing the program guide button on the remote control to open the program listing (Ellis-Para. 195-196, 205-206; Kaminski-Fig. 4);

displaying the first interface screen comprising the plurality of listings of the programs that are scheduled for recording (Ellis-Para. 195-196, 205-206);
and

displaying, in the first interface screen, a second indication that the scheduled recording of the second show has been canceled (Ellis-Para. 206).

Regarding claim 33, Ellis in view of Asamoto in view of Kaminski teaches displaying a no-record icon with a listing for the first show (Ellis-Para. 206).

Regarding claim 37, Ellis in view of Asamoto in view of Kaminski teaches displaying, in the second interface screen, a list of the plurality of series with shows scheduled for recording, wherein an order of the list indicates a relative recording priority of each series (Ellis-Para. 213-214, 225, 229-230, 334-336; Asamoto-Fig. 7).

Regarding claim 38, Ellis in view of Asamoto in view of Kaminski teaches receiving a user indication of the first series from the list (Ellis-Para. 213-214; 334-336; Asamoto-Fig. 7); and

receiving a user request to change a relative position of the first series in the list (Ellis-Para. 213-214; 334-336; Asamoto-Fig. 7; Col. 10, lines 1-42).

Regarding claim 41, claim is analyzed with respect to claim 29. Ellis in view of Asamoto in view of Kaminski further teaches an apparatus for resolving conflicts for series recordings, the apparatus comprising:

Art Unit: 2623

a user input device, i.e. remote control (Ellis-Fig. 2a, el. 212; Fig. 2b, el. 9906; Fig. 2c, el. 9936; Fig. 3, el. 308; Kaminski-Fig. 4);
a display device (Ellis-Fig. 2a, el. 206; Fig. 2b, el. 9904; Fig. 2c, el. 9926);
and
control circuitry (Ellis- Fig. 2a, el. 202, 204; Fig. 2b, el. 9902; Fig. 2c, el. 9922, 9924).

Regarding claim 42, claim is analyzed with respect to the combination of claims 30 and 41.

Regarding claim 43, claim is analyzed with respect to the combination of claims 31 and 41.

Regarding claim 44, claim is analyzed with respect to the combination of claims 32 and 41.

Regarding claim 45, claim is analyzed with respect to the combination of claims 33 and 41.

Regarding claim 49, claim is analyzed with respect to the combination of claims 37 and 41.

Regarding claim 50, claim is analyzed with respect to the combination of claims 38 and 41.

4. Claims 34-36, 39, 40, 46-48, 51, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of Asamoto in view of Kaminski and further in view of Lajoie (US 5,850,218).

Regarding claim 34, Ellis in view of Asamoto in view of Kaminski teaches all elements of claim 29.

Ellis in view of Asamoto in view of Kaminski further teaches displaying a first icon and a second icon with the first interface screen, i.e. "B" icon and "C" icon (Kaminski-Fig. 8, el. 850; Ellis-Para. 205-206, 208, 225);

associating the first icon with an interface screen (Kaminski-Para. 78); and associating the second icon with a second interface screen (Ellis-Para. 196-198, 213-214; Kaminski-Para. 78), wherein receiving the user selection to switch from the first interface screen to the second interface screen comprises receiving a user selection of the second icon (Ellis-Para. 196-198, 213-214; Kaminski-Para. 78).

Ellis in view of Asamoto in view of Kaminski does not clearly teach associating the first icon with the first interface screen.

Lajoie teaches associating a first icon with a first interface screen, i.e. "A" icon for program guide by time (Fig. 17, 20); and associating a second icon with a second interface screen, i.e. "B" icon for program guide by theme (Fig. 17, 20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ellis in view of Asamoto in view of Kaminski's first icon to be associated with the first interface screen, using the technique taught by Lajoie, for the purpose of having quicker access to the most often used screens in a PVR/DVR interface.

Regarding claim 35, Ellis in view of Asamoto in view of Kaminski in view of Lajoie teaches maintaining the display of the first icon and the second icon when the second interface screen is displayed, i.e. when the second icon is selected, the interface changes to the second interface, and the same icons are displayed at the bottom of the screen (Ellis-Para. 196-198, 213-214; Kaminski-Para. 78; Lajoie-Fig. 20, 21).

Regarding claim 36, Ellis in view of Asamoto in view of Kaminski in view of Lajoie teaches receiving a user selection of the first icon (Lajoie-Fig. 19; Col. 26, lines 26-48); and

switching from the second interface screen to the first interface screen in response to receiving the user selection of the first icon (Lajoie-Fig. 19; Col. 26, lines 26-48).

Regarding claim 39, Ellis in view of Asamoto in view of Kaminski teaches all elements of claim 29.

Ellis in view of Asamoto in view of Kaminski further teaches receiving a user selection to switch from the first interface screen or the second interface screen to a third interface screen, wherein the third interface screen comprises a plurality of listings of recorded programs (Ellis-Para. 225, 229, 230, 309; Kaminski-Fig. 8).

Ellis in view of Asamoto in view of Kaminski does not clearly teach receiving a user selection through a single keystroke by the user to switch from the first interface screen or the second interface screen to a third interface screen.

Lajoie teaches associating a first icon with a first interface screen, i.e. "A" icon for program guide by time (Fig. 17, 20); associating a second icon with a second interface screen, i.e. "B" icon for program guide by theme (Fig. 17, 20); and associating a third icon with a third interface screen, i.e. "C" icon for program guide by title (Fig. 17, 20); and switching from one screen to another by pressing the associated button on the remote control at any time while being presented with one of the other three screens (Fig. 19; Col. 26, lines 26-48).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ellis in view of Asamoto in view of Kaminski to include receiving a user selection through a single keystroke by the user to switch from the first interface screen or the second interface screen to a third interface screen, using the technique taught by Lajoie, for the purpose of having quicker access to the most often used screens in a PVR/DVR interface.

Regarding claim 40, Ellis in view of Asamoto in view of Kaminski in view of Lajoie teaches displaying a visual indication of an estimated time until at least one of the recorded programs will be deleted (Ellis-Fig. 36, el. 2206; Para. 309).

Regarding claim 46, claim is analyzed with respect to the combination of claims 34 and 41.

Regarding claim 47, claim is analyzed with respect to the combination of claims 35 and 41.

Regarding claim 48, claim is analyzed with respect to the combination of claims 36 and 41.

Regarding claim 51, claim is analyzed with respect to the combination of claims 39 and 41.

Regarding claim 52, claim is analyzed with respect to the combination of claims 40 and 41.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEREMY DUFFIELD whose telephone number is (571)270-1643. The examiner can normally be reached on Mon.-Thurs. 8:00 A.M.-5:30 P.M. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

13 August 2008

JSD

/Scott Beliveau/

Supervisory Patent Examiner, Art Unit 2623